

14th March 1958]

MR. SPEAKER: The question is—

“ That the respective sums not exceeding the amounts shown against the Demands in the notice of Demands for Advance Grants during the year 1958-59 be granted to the Government on account, for or towards defraying the charges during the year ending the 31st day of March 1959 in respect of the heads of Demands therefor against Demands Nos. I to XLIII.”

The motion was put and carried and the Grants were made.

II.—ANNOUNCEMENTS BY THE SPEAKER *RE* MESSAGES FROM THE GOVERNOR—*cont.*

MR. SPEAKER: I have to announce that the Governor of Madras has given his recommendation to the introduction in and the consideration by the Madras Legislative Assembly of the Madras Appropriation (Vote on Account) Bill, 1958.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS APPROPRIATION (VOTE ON ACCOUNT) BILL, 1958.

THE HON. SRI C. SUBRAMANIAM: Mr. Speaker, Sir, I beg leave to introduce the Madras Appropriation (Vote on Account) Bill, 1958.

MR. SPEAKER: The question is—

‘ That leave be granted for the introduction of the Madras Appropriation (Vote on Account) Bill, 1958.’

The motion was put and carried and leave was granted.

THE HON. SRI C. SUBRAMANIAM: Sir, I introduce the Bill.

(2) THE INDIAN STAMPS (MADRAS AMENDMENT) BILL, 1958.

THE HON. SRI M. A. MANICKAVELU: Sir, I beg leave to introduce the Indian Stamps (Madras Amendment) Bill, 1958.

MR. SPEAKER: The question is—

‘ That leave be granted for the introduction of the Indian Stamps (Madras Amendment) Bill, 1958.’

The motion was put and carried and leave was granted.

THE HON. SRI M. A. MANICKAVELU: Sir, I introduce the Bill.

V.—MOTION *RE* CHANGE IN THE ORDER OF BUSINESS.

MR. SPEAKER: Yesterday we hoped to finish consideration of the Prohibition Bill. But we have not yet disposed of that Bill. We are still in clause 4. Therefore, a motion may be moved for changing the order of business so that the Prohibition Bill may be taken up first and the other Bills afterwards.

[14th March 1958]

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

‘ That the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958) the consideration of which was not finished yesterday be taken up first.’

MR. SPEAKER : The question is—

‘ That the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958) the consideration of which was not finished yesterday be taken up first.’

The motion was put and carried.

IV.—GOVERNMENT BILLS—*cont.*

(3) THE MADRAS PROHIBITION (AMENDMENT) BILL, 1958 (L.A. BILL NO. 2 OF 1958)—*cont.*

SRI S. LAZAR : Mr. Speaker, Sir, I fully endorse the opinion expressed and the amendments moved by my hon. Friend Sri T. T. Daniel. It was pointed out by my hon. Friend Sri Daniel that the word ‘ knowingly ’ should be inserted between the word ‘ or ’ and the word ‘ possesses ’. Sir, it is common knowledge that possession includes constructive possession. I may also cite that the word ‘ possess ’ has been defined in the Law Lexicon as including constructive possession. ‘ Possess ’ and ‘ possession ’ in the crime section of the Code of Civil Procedure include constructive possession or possession in law of other debts and other intangible property. Therefore, if we are not going to add the word ‘ knowingly ’, it may be that even persons who are in constructive possession of liquor or intoxicating drug will be penalized or prosecuted.

I am also of opinion that in sub-clause (d) of clause 4, before the word ‘ suffers ’ the word ‘ knowingly ’ must be inserted. Here also it may be said that ‘ suffer ’ necessarily imputes knowledge. For this purpose also, I may refer to the exact definition of the word ‘ suffer ’ as given in the Law Lexicon. ‘ Suffer ’ does not necessarily follow that the person who does it has sufficient knowledge about it, but it may also connote certain amount of indifference on the part of the person who is prosecuted and it may also be that things are being carried on without his personal knowledge. It is defined to permit; it is defined as not to hinder. Webster defines the word as ‘ more negative than to allow ’ and says it imports only acquiescence or an abstinence from prevention. He defines the word ‘ suffer ’ as having an even passive, negative, sense of permitting and as implying sometimes more indifference. It seems, therefore, that the word ‘ permit ’ or ‘ suffer ’ implies no affirmative act. It does not necessarily follow that he affirms an act that is being done. It involves no intent. In any criminal offence it is necessary that criminal intention should be proved in order that it may constitute an offence. Therefore, the word ‘ knowingly ’ must necessarily be inserted between the word ‘ or ’ and the word ‘ suffers ’.

So also in sub-clause (e) ‘ knowingly ’ has to be introduced for the same reasons.